



STATE OF DELAWARE

PUBLIC SERVICE COMMISSION

861 SILVER LAKE BLVD.
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904
TELEPHONE: (302) 736-7500

May 22, 2019

Brian Trombino
RPA Energy, Inc.
111 John St., Suite 520
New York, NY 10038

Re: In The Matter of the RPA Energy, Inc. D/B/A Green Choice Energy for A Certificate to Provide Electric Supply Services within the State Of Delaware (Submitted May 8, 2019) - PSC Docket No. 19-0312

Dear Mr. Trombino,

The Delaware Public Service Commission ("Commission") is in receipt of the application (the "Application") submitted by RPA Energy, Inc. ("Company") for certification to provide electric supply services in Delaware. The Application is incomplete as filed and additional information is necessary to complete the minimum filing requirements ("MFRs"), as indicated below:

Section 2.2.3 Authorization

- Please provide a certificate of good standing for the state of Delaware.

Section 2.2.13 Marketing and Materials

- Please identify third party vendors that the Company intends to use.
- Please provide copies of all marketing materials to be used in Delaware.

Section 2.2.18 PJM Compliance

- The statement of Applicant's technical ability was not signed by an officer of the Company.
 - Please provide a statement describing the Company's technical ability to secure generation or otherwise obtain and deliver electricity through compliance with PJM's requirements and have an officer sign the statement.

Section 2.2.19-2.2.21 Retail Experience

- Question 18 was not answered in its entirety. Please provide a description of the nature of business the Company intends to conduct in Delaware.
- Does Brian Trombino still hold positions at Utility Expense Reduction, LLC and Competitive Energy Solutions Corp?
- Please provide a Commission Order for the state of Illinois.
- Please provide a list of states and/or federal jurisdictions in which the Applicant or any of its Affiliated Interests have been found to be in violation of the state's laws, rules, or regulations.
- Please provide a copy of any settlement, adjudication, or court order with respect to an action filed by a state Attorney General, the Federal Trade Commission, or U.S. Department of justice concerning the Applicant's participation in retail and federal electricity, natural gas, or telecommunications markets.

Section 2.3 Financial Security

- Please submit the original copy of the bond via mail to the Commission.

Section 2.6 Public Notice

- Please publish the attached public notice in two newspapers having general circulation throughout the state of Delaware.
 - Submit the affidavits of publication to the Commission.

Section 6.0, 7.0, 8.0 Contract and Contract Summaries

- Please provide a copy of the fixed price contract product.
- State on the contract and the terms and conditions whether it is for residential and/or small commercial customers.
- Include the full Right of Rescission policy on the contract and the terms and conditions.
- On the Terms and Conditions, in section 12, Dispute procedures, please include the contact information for the Delaware Public Advocate's office.

Section 2.1.6 Verification of Application

- Please provide a signed, sworn statement of verification for each subsequent filing in this docket.

Section 17.1 Proprietary Information

- Contracts are public information
 - Please upload the contracts as public documents.

The Company may request that the Commission provide confidential treatment to some or all of the information contained in a document. When requesting confidential treatment for documents filed with the Commission, please simultaneously file a redacted, public version of the same document and an attestation that the information is not subject to inspection or disclosure to the public.

Staff respectfully requests a response to this notice of deficiency on or before June 21, 2019. Please note that 26 *Del. Admin. C.* § 3001 (the "Supplier Rules") section 2.4 provides that incomplete applications will be closed four (4) months after the filing date. If the application is not completed within the four (4) month time frame the applicant forfeits their application filing fee and must resubmit the application with an additional filing fee. The responses and verifications can be uploaded as a subsequent filing in DelaFile under Docket No 19-0312.

Should you have any questions or if I can be of any assistance you may contact me at (302) 736-7539 or send questions by email to Clishona.Marshall@delaware.gov.

Sincerely,

Shona Marshall
Shona Marshall
Public Utility Analyst

CC: Ms. Donna Nickerson, Commission Secretary
Ms. Malika Davis, Public Utility Analyst

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF RPA)
ENERGY, INC D/B/A GREEN CHOICE ENERGY FOR)
A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY) PSC DOCKET No. 19-0312
SERVICES WITHIN THE STATE OF DELAWARE)
(SUBMITTED MAY 8, 2019))

PUBLIC NOTICE

TO: ALL PERSONS PURCHASING ELECTRICITY SUPPLY WITHIN THE STATE OF DELAWARE AND
OTHER INTERESTED PARTIES

Pursuant to 26 *Del. C.* §1012, RPA Energy, Inc. D/B/A Green Choice Energy (the “Company”) has applied to the Delaware Public Service Commission (the “Commission”) for an Electric Supplier Certificate (“Certificate”) to provide electric supply service within the State of Delaware under certain terms and conditions that the Company has filed with the Commission.

The Electric Utility Restructuring Act of 1999 (26 *Del. C.* Ch.10) requires that every electric supplier seeking to provide electric supply service to Delaware retail customers shall obtain a Certificate from the Commission.

Any person wishing to protest or to comment upon this application must do so in writing by filing such protest or comment with the Commission within twenty (20) days from the date of this publication. In the absence of any comments or protests, the Commission may grant the Certificate without any further action.

The Commission’s mailing address is:

Delaware Public Service Commission
861 Silver Lake Boulevard
Suite 100, Cannon Building
Dover, Delaware 19904

Copies of the application may be inspected at the Commission, at the above address, during normal business hours, or you may review documents by going to DelaFile (<http://depsec.delaware.gov/>), the Commission’s file management system, and by searching for Docket No. 19-0312.

The Company has filed the terms and conditions under which it will offer service in Delaware. Because this is a competitive provision of such services, the Commission will not make a determination that the Company’s proposed rates are reasonable.

The Company will **not** be regulated by the Commission as an electric supplier. **THEREFORE, ALL PROSPECTIVE CUSTOMERS ARE ADVISED TO CAREFULLY REVIEW THE RATES, TERMS, AND CONDITIONS OF THE COMPANY’S SERVICE BEFORE EXECUTING ANY CONTRACT WITH THE COMPANY.**

The Commission’s toll-free telephone number is (800) 282-8574. Persons with questions concerning this application may contact the Commission by either Text Telephone (“TT”) or by regular telephone at (302) 736-7500. If you are disabled and need assistance to be able to participate, please contact the Commission to make arrangements for such assistance.